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09/981,696	10/16/2001	Eiji Kawai	09812.0174-00000	7316
22852	7590	02/24/2010	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			OUELLETTE, JONATHAN P	
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2       UNITED STATES PATENT AND TRADEMARK OFFICE  
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5       BEFORE THE BOARD OF PATENT APPEALS  
6       AND INTERFERENCES  
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9                   *Ex parte* EIJI KAWAI  
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12                   Appeal 2009-009093  
13                   Application 09/981,696  
14                   Technology Center 3600  
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17                   Decided: February 24, 2010  
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21       *Before:* MURRIEL E. CRAWFORD, ANTON W. FETTING, and JOSEPH  
22       A. FISCHETTI, *Administrative Patent Judges.*  
23

24       CRAWFORD, *Administrative Patent Judge.*  
25

26  
27                   DECISION ON APPEAL

1 STATEMENT OF THE CASE

2 Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection  
3 of claims 1 to 5, 8 to 14, 19 to 21, 24 to 32, and 35 to 45. We have  
4 jurisdiction under 35 U.S.C. § 6(b) (2002). Appellant appeared for oral  
5 hearing on February 4, 2010.

6 Appellant invented an electronic guide information processing system  
7 for electronically processing guide information (Spec. 1).

8 Claim 1 under appeal reads as follows:

9 1. An electronic guide information  
10 processing system for electronically processing  
11 guide information about a customers attracting  
12 facility having an entrance and an exit, the system  
13 comprising:

14 an information distributing apparatus for  
15 converting the guide information into electronic  
16 guide information, encrypting the electronic guide  
17 information, and then distributing the encrypted  
18 electronic guide information;

19 a portable terminal apparatus for recording  
20 the encrypted electronic guide information,  
21 decrypting the encrypted electronic guide  
22 information at the entrance, and presenting the  
23 electronic guide information to an information  
24 user; and

25 an information processing apparatus  
26 comprising an information collecting apparatus for  
27 collecting the electronic guide information from  
28 the portable terminal apparatus at the exit, the  
29 information processing apparatus erasing the  
30 electronic guide information from the portable  
31 terminal apparatus at the exit and writing in the  
32 portable terminal apparatus information about the  
33 information user's use of the customers attracting  
34 facility at the exit.

1 The prior art relied upon by the Examiner in rejecting the claims on  
2 appeal is:

3	Gershman	US 6,401,085 B1	Jun. 4, 2002
4	Treyz	US 6,587,835 B1	Jul. 1, 2003

5 The Examiner rejected claims 1 to 5, 8 to 14, 19 to 21, 24 to 32,  
6 and 35 to 45 under 35 U.S.C. § 103(a) as being unpatentable over Treyz in  
7 view of Gershman.

8

## ISSUE

10 Has Appellant shown that the Examiner erred in finding that Treyz  
11 discloses an information processing apparatus that erases electronic guide  
12 information from a portable terminal apparatus at the exit of a customer  
13 attracting facility and writes, on the portable terminal apparatus, information  
14 about the user's use of the customer attracting facility at the exit?

15

## FINDINGS OF FACT

17 Treyz discloses a system based on handheld computing devices that  
18 assist users in shopping and in performing wireless transactions (col. 1, ll. 6  
19 to 9). The system allows users to obtain information regarding products  
20 offered for sale using local and remote wireless links (col. 1, ll. 41 to 45).  
21 The system may provide shopping assistance service which provides  
22 information about current events through an information screen provided on  
23 the handheld device (col. 2, ll. 57 to 63). The shopping assistance service  
24 may be used to make financial transactions (col. 3, ll. 37 to 38). The  
25 financial transactions may be monitored by continuously sending financial  
26 transaction information to the handheld device (col. 46, ll. 9 to 42). The

1 shopping assistance service turns on automatically when the service detects  
2 the handheld device's presence (col. 49, ll. 41 to 44).

3 The Examiner stated:

4 Treyz discloses . . . an information processing  
5 apparatus comprising an information collecting  
6 apparatus for collecting the electronic guide  
7 information from the portable terminal apparatus at  
8 the exit (collecting data is equivalent to  
9 deleting/erasing the data as claimed in the next  
10 step; C49, shopping assistance link  
11 deleted/collected along with icon/descriptive  
12 information—once user out of range or has exited  
13 the facility). . . . Treyz does not expressly disclose  
14 sending information to the user in a "batch" format  
15 at a specific location (exit), Treyz does disclose  
16 continuously sending financial transaction  
17 information to the user device, indicating where  
18 and what the user did with the system (C46 L9-  
19 42). . . . Therefore, it would have been obvious to  
20 one of ordinary skill in the art at the time the  
21 invention was made to send the information to the  
22 user at specific times and locations as a way to  
23 decrease transmission costs.

24 (Ans. 3 to 4).

## 25 PRINCIPLES OF LAW

26 In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the  
27 Examiner to establish a factual basis to support the legal conclusion of  
28 obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988).

## ANALYSIS

2 We will not sustain the Examiner's rejection. Although the Examiner  
3 is correct that in the Treyz device information may be written to the  
4 handheld device in batches and erased once the device is out of range, the  
5 Examiner has not established that the writing to the device and the erasing of  
6 the device occur at the exit. Treyz discloses that the information is erased  
7 when the device is out of range but does not disclose that the device is out of  
8 range at the exit. In addition, once out of range, it is not possible to write to  
9 the device. Therefore, the erasing and writing does not occur at the same  
10 location.

## CONCLUSION OF LAW

13 On the record before us, Appellant has shown that the Examiner erred  
14 in rejecting the claims.

## DECISION

The Examiner's decision is reversed.

REVERSED

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4 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

5 LLP

6 901 NEW YORK AVENUE, NW

7 WASHINGTON, DC 20001-4413